



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/131,941	08/10/1998	HIDEHIRO ISHII	B-3513-61666	8509

7590

09/25/2002

RICHARD P BERG
LADAS & PARRY
5670 WILSHIRE BOULEVARD
SUITE 2100
LOS ANGELES, CA 900365679

EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT PAPER NUMBER

2653

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

10

Office Action Summary

Application No.

09/131,941

Applicant(s)

ISHII ET AL.

Examiner

Aristotelis M Psitos

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 22 July 2002.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-15, 19 and 21-43 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-15, 19 and 21-43 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Art Unit: 2651

DETAILED ACTION

Applicants' response of 7/22/02 has been considered with the following results.

Claim Rejections - 35 U.S.C. § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1 and 7-9 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure, which is not enabling. The "table-producing unit" as defined in applicants' response is predicated upon the VTS information in the video manager. This is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Alternatively the claim(s) are incomplete in that such limitations are not clearly found in the claims.
2. Claims 40 & 43 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a new matter rejection. In particular, the examiner cannot readily find support for the limitation(s) with respect to the "menu" data as recited in these claims. The examiner respectfully requests applicants' assistance in indicating where such support exists.

AS FAR AS THE CLAIMS RECITE POSITIVE LIMITATIONS AND ARE INTERPRETED THE FOLLOWING ART REJECTIONS ARE MADE.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-3,19,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heo considered with Yonemitsu et al.

Heo is relied upon for the reasons stated in the previous Office action.

Art Unit: 2651

The newly introduced limitation(s) with respect to starting time and playback time are not found in the Heo reference.

Nevertheless, such information is disclosed in the Heo reference. In the Heo reference, see his discussion with respect to sector start and end addresses, and playing time starting at col. 15 line 1 plus.

It would have been obvious to modify the base system of Heo with the above teaching from Yonemitsu et al; motivation is to provide for such routine information along with other management information in the TOC area. In Heo the audio stream attribute table is interpreted as the aggregate audio information newly inserted in the claims.

5. Claims 1-3, and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriyama et al further considered with Yonemitsu et al.

Moriyama et al is relied upon for the reasons of record. Moriyama et al also provides for start address information.

Yonemitsu et al is relied upon for the reasons stated above in paragraph 4 with respect to playing time.

It would have been obvious to modify the base system of Moriyama et al with the addition teaching from Yonemitsu et al – that of playing time – motivation is to provide such management information to the user for its inherent function, i.e., indicating to a user the amount of playing time a piece of information is, e.g., how long it is. Moriyama et al also provides for aggregately recording attributes of the information.

6. Claims 4-15 are rejected under 35 U.S.C. 103 (a) as being unpatentable over (Heo et al – Yonemitsu as applied above in paragraph 4, and further in view of either Yamamoto et al or Yoshio et al.

The references are relied upon for the reasons stated above, and as previous found in the preceding OA.

As far as the examiner can ascertain from the Heo reference, the record medium is read, hence a reading unit exists. the information read is stored hence a storage unit exists. input from a user for reproduction is provided from, hence an input unit exists, because attributes for the audio information is changed/capable of changing between audio modes, not only must there be a reproducing unit, but an obtaining unit, a determining unit and an attribute changing unit present in Heo. By necessity the time limitation as recited in claims 5 and 6 are present.

Art Unit: 2651

With respect to apparatus claims 7 – 9, the additional table producing unit, and function thereof which is disclosed in Heo et al at col. 12 lines 22 plus, these claims are met as well.

As part of the overall system controller's responsibility, appropriate decoding of the selected audio tracks containing the audio information is inherently present. When the information is changed, The controller inherently instructs the appropriate servo unit to move the reproducing unit to the next audio track/pack/segment/section/location in the sequence of information to be reproduced as instructed by the user through his input. Accordingly, there is a delay capability present in order for the mechanics to catch up with the electronics. The attributes of each audio segment is checked in order for the audio information to be properly decoded, and inherently if such attributes are not the same appropriate changes in the attribute settings commence for the next subsequent information.

If applicants' can convince the examiner that such electronic capability with respect to the delay is not present in the above Heo et al system, then the examiner would rely upon either Yamamoto et al or Yoshio et al to teach such. – permit the selection of appropriately designated locations to reproduce the desired audio segments.

With respect to Yamamoto, see figure 14. as further analyzed on pages 5 & 6 of the Office action dated 4/14/2000.

It would have been obvious to one of ordinary skill in the art to modify the base reference of Heo et al with the teaching(s) from either Yamamoto et al or Yoshio et al to include the appropriate capability of selecting the designated information track for the proper audio output to be decoded in order of playback in accordance with the change in attributes.

Claims 10-15 are drawn to the method of operating the apparatus of claims 4-9 and hence are present/met when the above system operates.

7. Claims 4- 15 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over (Moriyama et al – Yonemitsu et al) further considered with either Yamamoto et al or Yoshio et al.

Applicants' attention is drawn to figures 9 – 12 and the associated description thereof. Again, the reading unit, storage unit, input unit, reproducing unit, obtaining unit, determining unit and attribute

Art Unit: 2651

changing unit are present in the above Moriyama et al system, other wise it would not permit the user to select an audio segment/track and provide for the reproduction of such as desired. Because the audio information can be writing into plethora of attributes, and the system provided for reproduction thereof, non-withstanding the differences in attributes, the examiner considers all elements claimed (and associated method limitations) as present.

Again, with respect to Yamamoto et al or Yoshio et al, if applicants can convince the examiner that the ability/elements to permit the changing of attributes and delay thereof are not inherently present in Moriyama et al, then the examiner would rely upon either Yamamoto et al or Yoshio et al as stated above to supply such. The reasons for combining the references are the same as stated above in paragraph 6.

8. Claims 22-29 are rejected under 35 U.S.C.103 (a) as obvious over (Moriyama et al- Yonemitsu et al) further considered with either Yamamoto et al or Yoshio et al.

With respect to claims 22 –25 as proper reproduction apparatus, the (Moriyama et al-Yonemitsu et al) combination is relied upon for the reasons stated in paragraph 7 above.

With respect to claims 26- 29 as proper reproducing methods, the steps/functions are met as (Moriyama et al – Yonemitsu et al) operates.

9. Claims 30- 37 are rejected under 35 U.S.C.103 (a) as obvious over (Moriyama et al –Yonemitsu et al) further considered with Heo et al.

These claims require a table-reproducing unit, and storing the centralized audio information table produced thereby.

Although the examiner cannot find such elements in such terminology in the Moriyama et al reference, the examiner considers such as being inherently present, because the information contained in the video manager is considered to be in a "table" format. That is the information contained therein is reproduced and such information is normally considered management table.

Alternatively, the use of the term 'table' for this type of information is taught by the Heo et al reference, see col. 12 lines 22 plus.

Art Unit: 2651

It would have been obvious to one of ordinary skill in the art to modify the base reference of (Moriyama et al-Yonemitsu et al) with the teaching(s) from Heo et al modification being to provide for a user memory system by having "tables" of the information contained on the record medium for the user to understand and interact with.

6. Claims 38-39,41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonemitsu et al considered with Moriyama et al.

Yonemitsu et al discloses an information record having a first and second recording areas. The first recording area is the information area of the disc and the second recording area is the TOC area.

The first area has a plurality of audio tracks/information and the examiner interprets the attributes as either the sector or track address information.

In the second area, there is recorded the sector and track address information. There is additional information such as playing time available as well – see discussion with respect to playing time.

In addition, the TOC also provides for additional "attributes" of the information found on the disc, such as "language".

There is no clear depiction of "grouping" and hence a group number as required by the dependent claims. Moriyama et al teaches the ability of "grouping" information together and hence providing for "group" numbers.

It would have been obvious to modify the base system of Yonemitsu et al with the above "grouping" ability of Moriyama et al; motivation is to provide for various "groups" of like material.

Conclusion

Response to Arguments

7. Applicant's arguments with respect to claim 7/22/02 have been considered but are moot in view of the new ground(s) of rejection.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nagano et al is cited as illustrative of a record medium having menu data, track numbers, and attribute data – see fig. 15, etc.

Art Unit: 2651

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(g). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

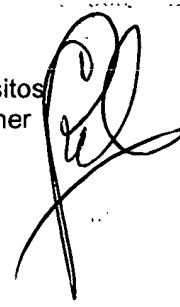
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Aristotelis M Psitos
Primary Examiner
Art Unit 2651



AWP
September 23, 2002